

[About COAG](#)[COAG Membership](#)[COAG Meeting  
Outcomes](#)[COAG Secretariat](#)[Treaties Council](#)[Ministerial Councils](#)[Intergovernmental  
Agreements](#)[Issues by Subject](#)[Mutual Recognition](#)[Related Links](#)

# Council of Australian Governments' Communique 7 December 1992

The Council of Australian Governments met for the first time, today, in Perth. The Council, comprising the Prime Minister, Premiers and Chief Ministers and the President of the Australian Local Government Association, had wide ranging discussions aimed at increasing cooperation among Governments in the national interest.

This Communique sets out the agreed outcome of those discussions.

Page Index

- [Industrial Relations](#)
- [Protocols for the Operation of Ministerial Councils](#)
- [Scope, Distribution and Number of Ministerial Councils](#)
- [Environment - ESD and Greenhouse](#)
- [Water Resource Policy](#)
- [Electricity Arrangements](#)
- [Interstate Trade in Gas](#)
- [Asian Language Development](#)
- [Aboriginal and Torres Strait Islander Affairs](#)
- [Housing](#)
- [Film and Video Classification](#)
- [Violence Against Women](#)
- [Appointment of Queen' s Counsels](#)
- [Mobility in the Public Sector](#)

## Industrial Relations

The Commonwealth Government announced on 2 December, proposals for a package of industrial relations legislation comprising two parts. The first part is designed to facilitate access to the federal system of conciliation and arbitration in respect of certain State employees and will be introduced into Parliament shortly. The legislation will apply universally but will only be triggered in the absence of awards, agreements which

have the force of awards and compulsory arbitration. At the meeting, the Commonwealth confirmed that the States and Territories will be given the opportunity to examine and comment on the legislation before it is introduced.

The second element of the package concerned legislation for workers outside existing Federal and State awards in relation to minimum wages, equal pay and termination of employment. The new powers to determine these conditions will rely on the external affairs power of the Constitution to give effect to Conventions of the International Labour Organisation (ILO) dealing with these matters in announcing this proposal the Commonwealth agreed to consult with the States and Territories.

At the meeting, most States expressed strong reservations in relation to the Commonwealth Government's use of the external affairs power to deal with matters within States' jurisdiction. The Council of Australian Governments has agreed to the establishment of a Committee of Ministers to be chaired by the Commonwealth, to examine urgently the proposal to use the external affairs power to have ILO Conventions apply to the States' industrial jurisdiction, including the impact of the proposed legislation on the conduct of State and Territory industrial relations.

The Commonwealth industrial relations legislation, which relies on the external affairs power, will not be introduced prior to this consultation with the States.

[back to top ▲](#)

## **Protocols for the Operation of Ministerial Councils**

The Council of Australian Governments noted the significant co-operation and consultation between Governments that occurs through Ministerial Councils of Commonwealth and State and Territory Ministers. Recognising the need for the interests of participating Governments to be properly reflected in such intergovernmental consultation, Council agreed broad protocols for the operation of Ministerial Councils to guide the efficient management of intergovernmental fora.

The protocols provide sensible and practical ground rules for Ministerial Councils while retaining appropriate practical flexibility in their operation. They cover such issues as the representation of constituent Governments at, and involvement of other parties in, Ministerial Council meetings; the development of

the agenda for, and announcement of resolutions of, meetings; arrangements for liaison among Ministerial Councils and between Ministerial Councils and Heads of Government; and the efficiency of the operations of Councils.

[back to top ▲](#)

## **Scope, Distribution and Number of Ministerial Councils**

The Council noted that concerns have been expressed about the growing number of Ministerial Councils, the apparent overlap and duplication in their coverage and blurred lines of accountability to Governments.

While some of these matters will be addressed in part by the proposed protocols for Ministerial Councils, the protocols do not directly address a consideration which is central to the cost effective operation of Ministerial Councils generally; that is their number, scope and distribution across functional areas of Government activity.

The Council of Australian Governments therefore agreed to commission a review of the scope, distribution and number of Ministerial Councils currently in place. The terms of reference of the review would be to:

- (a) examine the efficiency and effectiveness of operation of Ministerial Councils and their supporting standing committees of officials, including the venues for, and number of, meetings;
- (b) identify areas in which overlap exists between the functional responsibilities of Ministerial Councils;
- (c) examine the scope for amalgamation of Ministerial Councils in related functional areas, including Councils with specific statutory responsibilities or roles under a formal intergovernment agreement; with a view to reflecting as far as practicable the Commonwealth administrative structures and thereby, if possible, halving the number of Councils;
- (d) identify any particular Ministerial Councils which have outlived the rationale for their initial

establishment; and

(e) make recommendations to the Council in 1993 concerning measures that could be taken to reduce the number of Ministerial Councils in the light of conclusions arising from (a) to (d) above, improve their efficiency generally, and any other relevant matter.

It is proposed that the working group of officials conducting the review comprise a nominee of each jurisdiction and that the views of individual Ministerial Councils be considered.

Until the recommendations of the review have been considered by the Council, it is proposed that no further Ministerial Councils be created, except with the agreement of all Heads of Government.

[back to top ▲](#)

## **Environment - ESD and Greenhouse**

The Council endorsed the National Strategy for Ecologically Sustainable Development (ESD), noting that implementation would be subject to budgetary priorities and constraints in individual jurisdictions. The Council noted that the reports of the ESD Working Groups and Chairs have provided the foundation on which Governments have developed the Strategy.

The Council noted that the document is intended to play a critical role in setting the scene for the broad changes in direction and approach that governments will take to try to ensure that Australia's future development is ecologically sustainable. The Council agreed that the future development of all relevant policies and programs, particularly those which are national in character, should take place within the framework of the ESD strategy and the Intergovernmental Agreement on the Environment which came into effect on 1 May 1992. The Council encouraged business, unions and community groups to use the ESD Strategy as a basis for actions which contribute to the pursuit of Australia's national goal for ESD.

The Council agreed to the release of a Compendium of ESD Recommendations as a record of how the Strategies agreed to by Heads of Governments, and examples of present programs and policies, relate to each of the ESD Working Group recommendations. The compendium indicates that, based on the Governments' responses in the Strategies, more than 80 per cent of the ESD Working Groups' and Chairs' recommendations

have been accepted in whole or in part and less than 4 per cent rejected.

The Council also endorsed the National Greenhouse Response Strategy, again noting that implementation would be subject to budgetary priorities and constraints in individual jurisdictions. In doing so the Council noted that, in the Intergovernmental Agreement on the Environment, governments had reiterated their support for the interim planning target for greenhouse gas emissions control to form the basis of the National Greenhouse Response Strategy. The Council reaffirmed the importance, environmentally and economically, of a strong, growing and diversified economy and the need to maintain and enhance international competitiveness.

The Council also agreed to the publication and public release of the Strategies for wide community distribution and access.

The Council noted that the ESD Steering Committee and the National Greenhouse Steering Committee will report to Heads of Government within 12 months, and biennially thereafter, on the implementation of the Strategies seeking input and comment from business, unions and community groups on the Strategies.

#### National Forest Policy

The Council, with the exception of Tasmania, agreed and signed the National Forest Policy Statement to ensure the ecologically sustainable development of a commercial timber industry in conjunction with the identification and retention of nature conservation reserves and wilderness areas. Tasmania has affirmed its commitment to the management of its forest resources as set out in the Tasmanian Forests and Forest Industry Strategy.

The Statement is the response of the Commonwealth, State and Territory Governments to the Ecologically Sustainable Development Forest Use Working Group, Resource Assessment Commission Forest and Timber Inquiry and National Plantations Advisory Committee Reports.

The Council agreed on a range of policy measures aimed at enhancing the competitiveness of forest industries and reducing conflict over the use of Australia's forests. Of particular significance are the provisions in the Statement providing access to wood resources, the establishment of a National Research and Development Corporation and a National Advisory Body comprising industry, conservation, union and community interests.

Governments have also agreed to establish a process which will ensure a dedicated and secure nature conservation and wilderness reserve system that is comprehensive, adequate and representative. Codes of forest practice applying to all commercial uses of public native forests should ensure ecologically sustainable management, and States and Territories will encourage their adoption by private forest owners.

[back to top ▲](#)

## **Water Resource Policy**

The Council noted that the issue of appropriate pricing and distribution of water as a resource has been given substantial attention in recent resource policy development at both Commonwealth and State/Territory level. This reflects the intrinsic economic and environmental importance of the issues, and their national nature, which impact on and are of concern to all levels of Government. The Industry Commission and the Ecologically Sustainable Development process have also focussed on water reform issues and proposed that issues such as water pricing and transferability of water entitlements between users need to be further progressed.

The Council agreed to the preparation of a report for their next meeting on the current state of play in both urban and rural water use, as a basis for considering the need for greater impetus to be given to reform in key areas.

[back to top ▲](#)

## **Electricity Arrangements**

The Prime Minister, the Premiers of New South Wales, Victoria, Queensland, South Australia and Tasmania and the Chief Minister of the Australian Capital Territory noted the content of a report they had received from the Chairman of the National Grid Management Council (NGMC) on the Council' s work over the past 12 months. In particular, they noted the work the NGMC has been overseeing on the development of an interstate transmission network and the NGMC' s intention to meet the timetable set by the Heads of Government last May for a report on the precise nature and operating guidelines for the structure by the end of 1992. The relevant Heads of Government reaffirmed their commitment to the principle of separate generation and transmission elements in the electricity sector and agreed to give early consideration to the report.

The Heads of Government also noted the work the NGMC has been undertaking on transmission pricing and pooling arrangements in advance of the proposed introduction of customer-generator links. Given the importance of these two issues to the future development of trade in energy, the Heads of Government endorsed the NGMC' s commitment to consult widely on its proposals in these areas before finalising them.

[back to top ▲](#)

## **Interstate Trade in Gas**

In recent years Heads of Government have taken a number of steps to remove barriers and impediments to trade within Australia. The Council noted that at present there are barriers to trade in natural gas which could inhibit the development of the gas industry and discourage exploration and commercial development of gas markets and related infrastructure.

The Council has asked the Australian and New Zealand Minerals and Energy Council (ANZMEC) to provide a report to the first Council meeting in 1993 which:

- identifies and reviews existing legislative or other Government imposed impediments and barriers to free and fair trade in natural gas, within and between jurisdictions;
- recommends action to remove impediments and barriers to free and fair trade in natural gas, within and between jurisdictions;
- outlines the work required to move toward a more uniform pipeline approvals process between States and Territories for pipeline development, including the recommended basis for third party access to gas transmission pipelines; and
- achieves the Council' s objective of free and fair trade in gas.

Upon receipt of ANZMEC' s report, the Council at its first meeting in 1993 is to address the timetable for implementing free and fair trade in natural gas.

[back to top ▲](#)

## **Asian Language Development**

The Council underlined the importance of the National Trade Strategy in ensuring that Commonwealth, State and Territory

Government trade and investment strategies provide the most effective support for private sector trade and investment efforts. In doing so, it welcomed progress to date on the development and implementation of a more integrated and co-ordinated approach to trade and international business, achieved through close consultation among Commonwealth, State and Territory Governments, industry and unions.

The Council agreed to make concerted efforts to strengthen the development of an export culture in Australia and to secure the widest possible support for specific export strategies under the umbrella of the National Trade Strategy, particularly in regard to Australia's economic relations with North-East and South-East Asia.

In this context, the Council discussed the relevance of Australia's understanding of Asian languages and cultures to the enhancement of Australia's economic interests in the Asia-Pacific region. To this end, it:

- noted the importance of the development of a comprehensive understanding of Asian languages and cultures through the Australian education system if Australia is to maximise its economic interests in the Asia-Pacific region;
- agreed that Asian language development is a matter of national importance, requiring urgent and high-level attention to a national level; and
- agreed to establish a high level working group to prepare a report for the Council by the end of 1993:

- outlining current efforts of the Commonwealth and States in Asian language and culture education; and

- developing a strategic framework for the implementation of a comprehensive Asian languages and cultures program in Australian schools (and, where relevant, TAFEs) by the end of the decade.

The Council agreed that the report would draw on the work to be done by the AEC/MOVEET Working Party on Australian Languages and Literacy Policy by April 1993.

[back to top ▲](#)

## **Aboriginal and Torres Strait Islander**



## **Affairs**

The Council endorsed the ‘ National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders’ .

The National Commitment recognises the need to address the underlying and fundamental causes of Aboriginal and Torres Strait Islander inequality and disadvantage. It confirms that the planning and provision of Government programs and services for Aboriginal and Torres Strait Islander people is a shared responsibility and a legitimate policy interest of all spheres of Government.

The Council considers that services and programs will lead to improved outcomes if there is greater clarity concerning the roles and responsibilities of the various spheres of government through clearer demarcation between the policy, operational and financial responsibilities associated with service and program provision.

The National Commitment provides the framework within which bilateral agreements can be reached on individual services and programs. It espouses the principles and objectives of such agreements and confirms the need to ensure that programs are targeted and allow maximum flexibility and appropriateness in their delivery through the broad banding of funding.

In this, the beginning of the United Nations Year of the World’ s Indigenous People, the agreement symbolises the willingness of Australian Heads of Government to work together in a concrete and cooperative manner. The Year is to be launched throughout the world on December 10.

[back to top ▲](#)

## **Housing**

The Council considered the question of strategic planning for urban development and the provision of housing and the intergovernmental impact of many aspects of decision-making in this area. In particular it noted the far-reaching implications of decisions in this area for other portfolios, especially those dealing with capital works and infrastructure programs.

The Council noted the interest of the Commonwealth in the interaction of urban planning and housing with general economic and social justice policies and with its specific responsibility for income security and the labour market. It noted the interest of the

States and Territories in the impact of these issues on their economic and budget strategies and the provision of infrastructure. It also noted the interest of Local Government in the interaction of housing policy with zoning, land development and building regulations.

In view of the intergovernmental impact of many decisions made in this area and the importance of achieving national co-operation on urban reform, the Council agreed that there was a need to develop a view on common objectives shared by all Governments in this area.

In this context the Council welcomed aspects of the agreement reached on a revised Commonwealth-State Housing Agreement relating to greater accountability in the provision of housing services. The Council also acknowledged the need to ensure that the measures designed to enhance accountability did not lead to higher administrative costs and increased rigidity in the system, and the need to ensure that they are accompanied by maximum operational flexibility and a less restricting results orientated approach.

The Council also noted the relevance in this context of the Industry Commission Inquiry into Public Housing to which all Governments will have the opportunity of contributing.

The Council therefore agreed that, having regard to the National Housing Strategy, the report of Commissioner John Mant into the New South Wales Department of Housing, the report of the Working Party on Patterns of Urban Settlement and the resolution of the Planning Ministers Council of September 1991 on policy directions for urban reform, a committee of Senior Officials from the Commonwealth, States, Territories and the Australian Local Government Association should develop national objectives shared by all spheres of government to provide a framework for the proper integration of housing with the development of urban infrastructure and the provision of other services and report back to the Council in 1993.

#### Concessions

The Council agreed to establish a senior level Commonwealth-State working group of central agency officers to:

- (a) examine and report to the Council through the Senior Officials Committee on a more rational allocation of functional responsibilities in the area of fringe benefits and concessions;
- (b) identify and assess the options for reform of

fringe benefits and concessions;

(c) provide advice on actions that could be taken in the short to medium term and develop an action plan to give effect to the actions agreed; and

(d) report to the first meeting of the Council in 1993.

[back to top ▲](#)

## **Film and Video Classification**

As part of its general concern about the level of violence in Australia, the Council considered the issue of violence on film, television and video and the value of achieving one classification system across these three forms of media.

The Council noted the discussions that the Prime Minister had held with the television networks and that the networks had undertaken to draw up a draft program code that adopts the system of classification currently used for film and video. It also noted that, under the new arrangements, two new 'M' classifications will replace the current wide and indiscriminate 'A' category for television with the more violent films being classified as 'MA'. In relation to film and video the new 'M' category will be recommended for those aged 15 and over. The new 'MA' category will be restricted to those aged 15 and over unless accompanied by an adult.

The Council agreed to endorse the move to two new 'M' Classifications and agreed to amend the relevant censorship legislation by 1 May 1993.

[back to top ▲](#)

## **Violence Against Women**

The Council considered the National Strategy on Violence Against Women that has been developed by the National Committee on Violence Against Women which comprises representatives from all Commonwealth, State and Territory Governments and a community representative from each jurisdiction. The Strategy aims to provide a direction for all Governments in Australia to work towards the elimination of violence against women.

The Council agreed to note the National Strategy on Violence

Against Women and agree that each jurisdiction give it early and appropriate consideration.

[back to top ▲](#)

## **Appointment of Queen' s Counsels**

The Council recognised that a range of efforts are occurring across all jurisdictions to improve the accessibility and affordability of legal services. As a first step, most Heads of Government endorsed a proposal to remove the role of Executive Government in the appointment of Queen' s Counsel. The Victorian, Queensland, Tasmanian and the Australian Capital Territory Governments have not concluded their consideration of this matter.

[back to top ▲](#)

## **Mobility in the Public Sector**

The Council agreed that there are benefits in public servants being able to transfer employment between the various State/Territory and Commonwealth Governments. Each jurisdiction would benefit from the experiences of its counterparts and for the public sector employees this would widen career opportunities. A working group of senior officials will be convened to identify and examine impediments to mobility and to suggest means of overcoming them. The working group will also explore opportunities for enhancing staff exchange programs throughout the public sector.

The Council noted that there would be benefits in having a general framework of transfer conditions applicable to staff involved in functional transfers between the Commonwealth and State and Territory employment. The Council agreed that in undertaking the review of mobility, the working group should have regard to the possible development of such a general framework.

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